



**ENVIRONMENTAL LAW & POLICY CENTER**  
Protecting the Midwest's Environment and Natural Heritage

December 29, 2017

Robert Kaplan  
Acting Regional Administrator, Region 5  
U.S. Environmental Protection Agency  
77 W. Jackson St.  
Chicago, IL 60604

Dear Regional Administrator Kaplan,

We are in receipt of Dynegy Midwest Generation, LLC's ("Dynegy's") December 6, 2017 letter, *Notice of Force Majeure Event Concerning Baldwin Unit 1* ("Notice Letter"), attached hereto. In it, Dynegy requests that the U.S. Environmental Protection Agency treat an exceedance of the maximum SO<sub>2</sub> 30-Day Rolling Average Emission Rate at Baldwin Unit 1 in the Consent Decree in *United States, et al. v. Illinois Power Company*, No. 3:99-cv-833-MJR ("the Consent Decree") as a Force Majeure Event rather than as a violation. To assert the Force Majeure clause is a significant action and warrants careful review by EPA. In this case, the facts asserted fail to demonstrate that there was a Force Majeure Event. Rather, the Notice Letter makes it clear that at least one occurrence in the chain of events leading to the exceedance—Dynegy's careless use of high sulfur coal—could have been prevented. The Notice Letter also leaves many unanswered questions about whether other weak links in the chain were avoidable. Thus, Dynegy's claim amounts to nothing but "Faux Majeure." Because the company has failed to meet its appropriately high burden of demonstrating that a Force Majeure Event occurred, we ask that EPA seek an appropriate amount of penalties in response to Dynegy's violation of the Consent Decree's requirement for Baldwin Unit 1's maximum SO<sub>2</sub> 30-Day Rolling Average Emission Rate.

In 2005, Dynegy entered into the Consent Decree with the United States, the State of Illinois, the American Bottom Conservancy, Health and Environmental Justice – St. Louis, Inc., Illinois Stewardship Alliance, the Prairie Rivers Network, and Illinois Power Company. This Consent Decree was the product of several years of litigation regarding allegations that Dynegy and Illinois Power Company violated the Clean Air Act when they engaged in construction activities without obtaining a Clean Air Act Permit for New Source Review. Entry into this legally binding court document provided a crucial step toward cleaner air in the State. Because emissions from the Dynegy plants subject to the Consent Decree can have a serious impact on public health, the public has a continued interest in ensuring that Dynegy meets the terms of the Consent Decree and that EPA enforces these terms.

Pursuant to this agreement, certain electric generating units owned by Dynegy cannot exceed a maximum SO<sub>2</sub> 30-Day Rolling Average Emission Rate, but may be exempted from this requirement during a Force Majeure Event. Consent Decree Paragraph 66 in part states that each

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David C. Wilhelm, Chairperson • Howard A. Learner, Executive Director

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of the units at Baldwin must be operated so as to achieve and maintain a maximum SO<sub>2</sub> 30-Day Rolling Average Emission Rate of no greater than 0.100 lb/mmBtu. However, “Emissions and BTU inputs that occur during a period of Malfunction shall be excluded from the calculation of the 30-Day Rolling Average Emission Rate if [Dynergy] provides notice of the Malfunction to EPA and the State in accordance with Paragraph 138 in Section XV (Force Majeure) of this Consent Decree.” Consent Decree ¶ 4(a). According to the Consent Decree, a “malfunction” does not include any “failure[] that [is] caused in part by poor maintenance or careless operation,” *Id.* at ¶ 25, and a “Force Majeure Event” must “be caused by circumstances beyond the control of [Dynergy]... despite [Dynergy’s] best efforts to fulfill [its] obligation.” *Id.* at ¶ 137. Finally, “In any dispute regarding Force Majeure, [Dynergy] shall bear the burden of proving that any... violation of any requirement of this Consent Decree was caused by or will be caused by a Force Majeure Event.” *Id.* at ¶ 142.

On December 6, 2017, Dynergy contacted the parties to the Consent Decree claiming that Baldwin Unit 1 had exceeded the Consent Decree’s terms due to a Force Majeure Event. According to the Notice Letter, a series of delays in coal delivery led the company to “unknowingly tap[] residual, high sulfur Illinois coal remaining in the coal pile base, which was fed into Baldwin Unit 1’s coal bunker” on November 10, 2017. Notice Letter at 2. This high sulfur coal had been present at the station “since circa year 2000,” if not longer. *Id.* On the following day, the company ceased to run the unit for several days. *Id.* at 3. When Dynergy eventually brought the unit back online, an equipment failure delayed the startup process, causing the reportable SO<sub>2</sub> 30-Day Rolling Average Emission Rate to reach .101 lb/mmBtu on November 16, 2017. *Id.* at 2-3.

Dynergy’s exceedance of the Consent Decree’s 30-Day Rolling Average Emission Rate for SO<sub>2</sub> was the product of preventable, careless activities, and the exceedance therefore hardly rises to the level of a Force Majeure Event. According to its own statements, Dynergy tapped into a supply of high sulfur coal that was apparently unmarked or insufficiently marked so as to avoid its being used. This high sulfur coal had been present at Baldwin for at least *seventeen years*. By listing future actions that the company plans to take to prevent the use of high sulfur coal going forward, Dynergy plainly establishes that there were several precautions that it could have taken over the years to prevent its careless operations in the first place. First, the company could have “performed a detailed sampling survey of the coal pile base to determine the extent and location of any remaining areas of high sulfur coal.” *Id.* at 5. Second, it could have used the map “to avoid those areas during future coal usage.” *Id.* Finally, the company could have used this mapping to “aid in the removal of the high sulfur coal in a controlled fashion by blending low volumes with the [low sulfur] coal supply.” *Id.* Thus, Dynergy’s use of high sulfur coal at Baldwin Unit 1 could have been prevented, and Dynergy had many years during which it could have taken these preventative measures.

Dynergy has also not met the burden of showing that many of the other breakdowns and lapses that occurred during this time period qualify as malfunctions or Force Majeure as they are defined in the Consent Decree. First, their letter does not make clear that appropriate steps were taken to avoid the breakdown of the railroad culvert that led to the delay in deliveries of low sulfur Powder River Basin (“PRB”) coal. Dynergy’s assertion that “the culvert had never failed previously” is not the same as saying they took all reasonable precautions to inspect and/or

provide preventative maintenance. *Id.* at 2. Dynegy also failed to establish that it stored an acceptable amount of backup PRB coal on site in case any deliveries ended up getting delayed. Finally, Dynegy argued that boiler feed pumps (BFPs) delayed the start-up of Baldwin Unit 1 once compliant coal became available. *Id.* at 3. Although the company asserted that the BFPs are routinely maintained, it failed to explain how frequently this maintenance occurred and what actions are taken during the maintenance process. This lack of information makes it impossible for others to assess whether they were properly maintained and whether Dynegy could have prevented this failure of the BFPs.

Thus, Baldwin Unit 1's exceedance of the maximum SO<sub>2</sub> emission rate was hardly caused by a Force Majeure Event. Rather, Dynegy could have avoided its careless use of high sulfur coal. The company also failed to demonstrate that its other various missteps were not due to poor maintenance, careless operation, and were outside of the company's control. Dynegy has not met the high burden of asserting Force Majeure, and it therefore is in violation of Baldwin Unit 1's SO<sub>2</sub> 30-Day Rolling Average Emission Rate of 0.100 lb/mmBTU in the Consent Decree. Accordingly, EPA must seek an appropriate amount of penalties from Dynegy that are reflective of the significance of the company's violation and of additional public health and environmental harms due to the increase in emissions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Lindsay Dubin', with a stylized flourish at the end.

Lindsay Dubin  
Environmental Law & Policy Center  
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Chicago, IL 60601  
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(312) 795-3712

Letter from James R. Kipp, Vice President and General Manager  
Plant Operations MISO, Dynegy Midwest Generation, LLC, to  
Plaintiffs in *United States, et al. v. Illinois Power Company*, No.  
3:99-cv-833-MJR (Dec. 6, 2017)



DYNEGY MIDWEST GENERATION, LLC  
1500 Eastport Plaza Drive  
Collinsville, IL 62234  
618.343.7837

VIA UPS

December 6, 2017

TO: Consent Decree Distribution List

**RE: Notice of Force Majeure Event Concerning Baldwin Unit 1**  
***United States, et al. v. Illinois Power Company*, No. 3:99-cv-833-MJR**  
**Consent Decree**

Dear Plaintiffs:

In accordance with Paragraph 138 of the Consent Decree, Dynegy Midwest Generation, LLC (DMG) hereby provides notice that Baldwin Unit 1 experienced Force Majeure Events, including Malfunctions, that led to a reportable SO<sub>2</sub> emissions rate value above the SO<sub>2</sub> 30-Day Rolling Average Emission Rate limit of 0.100 lb/mmBtu required by Consent Decree Paragraph 66. The reportable SO<sub>2</sub> 30-day Rolling Average Emissions Rate value<sup>1</sup> in excess of the 0.100 lb/mmBtu limit occurred on November 16, 2017. The reportable SO<sub>2</sub> 30-day Rolling Average Emission Rate was back below the 0.100 lb/mmBtu limit on November 17, 2017. In accordance with Consent Decree Paragraph 4.a's definition of "30-Day Rolling Average Emission Rate," emissions and BTU inputs that occur during a period of Malfunction shall be excluded from the calculation of the 30-Day Rolling Average Emission Rate if DMG provides notice of the Malfunction to EPA and the State in accordance with Consent Decree Paragraph 138. As identified below, with the exclusion of the emissions and BTU inputs that occurred during the Malfunctions of the boiler feed pumps during startup of the Baldwin Unit 1 spray dryer absorber on November 16, Baldwin Unit 1 met the 30-day Rolling Average Emission Rate limit for SO<sub>2</sub>.

#### Consent Decree Requirements

Paragraph 137 of the Consent Decree defines a "Force Majeure Event" to mean "an event that has been or will be caused by circumstances beyond the control of DMG, its contractors, or any entity controlled by DMG that delays compliance with any provision of this Consent Decree . . . despite DMG's best efforts to fulfill the obligation." Paragraph 138 of the Consent Decree further requires DMG to "notify the Plaintiffs in writing as soon as practicable, but in no event later than fourteen (14) business days following the date DMG first knew, or by the exercise of due diligence should have known" that a particular event caused a violation. DMG's notice is required to contain a description of: (i) the cause(s) of the violation and how long DMG expects it to last, (ii) the measures taken and to be taken by DMG to minimize the violation and when those measures were taken (or will be taken), and (iii) DMG's rationale for attributing the delay to a Force Majeure Event. *Id.* DMG is also required to adopt all reasonable measures to avoid or minimize the violation. Paragraph 144 of the Consent Decree identifies

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<sup>1</sup> SO<sub>2</sub> emissions are measured with continuous emission monitors (CEM) in accordance with the requirements of the Acid Rain Program, 40 CFR Part 75. See Consent Decree ¶82. As explained *infra*, for purpose of reporting, the Part 75 regulations require the substitution of measured values when primary measured data is missing or if the Full Scale Range (FSR) of the analyzer is exceeded. Substitution often results in reported values that are much greater than the actual measured value.

"Malfunction of a Unit or emission control device" as a potential Force Majeure Event, and Consent Decree Paragraph 25 defines "Malfunction" to mean any "sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not Malfunctions." Finally, the Consent Decree (§142) assigns to DMG the burden of showing that it has given timely notice and that the delay is a result of the Force Majeure Event.

DMG sets forth below the information to demonstrate that Baldwin Unit 1's reportable SO<sub>2</sub> 30-Day Rolling Average Emission Rate value slightly above the 0.100 lb/mmBtu limit was caused by Force Majeure Events. The date on which DMG first knew, or by the exercise of due diligence should have known, that the Force Majeure Events caused the exceedance was November 16, 2017. Accordingly, the deadline for submitting this notice (i.e., 14 business days) would be December 7, 2017, and this notice is submitted timely (see ¶168).

(i) The Causes and Length of the Violation

Two related force majeure events caused Baldwin Unit 1's reportable SO<sub>2</sub> 30-day Rolling Average Emissions Rate value to exceed the 0.100 lb/mmBtu limit on November 16, 2017 (i.e., on November 16, the reportable SO<sub>2</sub> 30-Day Rolling Average Emission Rate reached 0.101 lb/mmBtu). The reportable SO<sub>2</sub> 30-day Rolling Average Emission Rate returned to below the 0.100 lb/mmBtu limit on November 17, 2017. See Attachment A. Thus, the duration of the violation was one 30-day rolling period (i.e., October 12, 2017 to November 16, 2017).

The first force majeure event concerned two related circumstances beyond DMG's control that, taken together, delayed the delivery of low sulfur Powder River Basin (PRB) coal to the station and, in turn, resulted in DMG's unknowing use in Baldwin Unit 1 of residual, historic high sulfur coal present in the station's coal pile. Specifically, a culvert under railroad tracks used to deliver coal by train to the station failed and railroad delivery schedules prevented rescheduling of PRB shipments to the station. Due to the occurrence of these related circumstances, the station's coal pile was reduced by 164,000 tons during the relevant period, the equivalent of about ten trains of coal, which resulted in a severely depleted coal inventory. More specifically, on October 25, DMG discovered a failed culvert under the railroad tracks and, as safety precaution, removed the railroad tracks from service. The culvert had never failed previously. An independent inspection from the Canadian National track inspector confirmed that the tracks were unsafe and that the culvert needed repair. The culvert was repaired and the railroad tracks were returned to service on October 28. Although several deliveries of PRB coal arrived once the culvert was replaced, a previously scheduled maintenance outage of the train coal dumper prevented the delivery of PRB coal from November 6<sup>th</sup> thru November 9<sup>th</sup>. DMG realized that the station's supply of PRB coal was low and attempted to delay the planned train car dumper maintenance and schedule additional PRB deliveries; however, because the railroad had already diverted the trains based on the scheduled dumper maintenance outage, it was impossible to redirect the trains with PRB coal to Baldwin quickly. Thus, DMG performed the planned train dumper maintenance as had been scheduled. After completion of the train coal dumper maintenance outage on November 9, several trains of PRB coal were delivered before November 16.

Due to the low inventory of PRB coal, the station needed to take coal from its coal pile. On November 10, 2017, DMG unknowingly tapped residual, high sulfur Illinois coal remaining in the coal pile base, which was fed into Baldwin Unit 1's coal bunker.<sup>2</sup> The first indication of the presence of high sulfur coal

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<sup>2</sup> Illinois high sulfur coal has not been delivered to the station since circa year 2000.



occurred at 2:00 pm on November 10, 2017 when the SO<sub>2</sub> CEMS indicated an increase in SO<sub>2</sub> concentration at the stack. In an effort to avoid exceeding the SO<sub>2</sub> 30-day rolling average limit, DMG shut down Baldwin Unit 1 on November 11, 2017 at 6:56 pm. The Unit remained off-line until low sulfur PRB coal could be delivered to the station by train and loaded directly to the Unit 1 coal bunkers, i.e., new train deliveries of PRB coal were the only way to ensure that only PRB coal would be loaded to the coal bunkers. Because it was apparent that higher sulfur coal was present in the coal bunker (and because there is no reasonable means to remove coal from the bunker other than through the normal method of combusting the coal) and using its best efforts to prevent exceedance of the SO<sub>2</sub> 30-Day Rolling Average Emission Rate limit upon restart of the Unit, DMG installed a supplemental SO<sub>2</sub> control system, i.e., temporary Dry Sorbent Injection (DSI), before resuming Unit 1 operation. The temporary DSI system was intended to lower the SO<sub>2</sub> concentration entering the SDA upon startup. DMG delayed startup of Unit 1 several days until the DSI system was installed and operational.

DMG took coal from areas of the station's coal pile that were believed to contain PRB coal. During the train car dumper maintenance outage, the SO<sub>2</sub> emissions were in the normal operating range. The higher SO<sub>2</sub> ppm readings began on November 10, one day after the completion of the dumper outage. When elevated SO<sub>2</sub> readings persisted into the next day (November 11), DMG shut down Unit 1 and the Unit remained out of service until enough newly delivered PRB coal was available at the station and the temporary DSI system was installed and operational.

The second force majeure event involved equipment Malfunctions that delayed timely start-up of the SDA system when Unit 1 returned to service on November 16. These Malfunctions prevented the boiler from timely reaching the proper temperature for SDA operation. Specifically, the turbine 1A and 1B Boiler Feed Pumps (BFP) failed to start during startup of the SDA. More specifically, an attempt to start the 1A BFP failed at 8:47 am and an attempt to start the 1B BFP failed at 8:59 am. Repairs to the 1A BFP relay delayed the SDA start by 82 minutes and repairs to the 1B BFP governor valves and the relay resulted in a further delay of SDA startup by 23 minutes.

The failure of the BFPs to operate in their normal or usual manner was sudden, infrequent and not reasonably preventable; the failure was not caused by poor maintenance or careless operation. A BFP Malfunction is a rare occurrence and none has occurred at Baldwin in the last few years. DMG has included BFP maintenance in recent maintenance outages at Baldwin (the BFPs are refurbished on a regular cycle to ensure reliable operation; the 1B and 1A BFPs were most recently refurbished in 2014) and the BFPs are also otherwise routinely maintained to ensure reliable operations. The total delay of the SDA startup due to the BFP Malfunctions was 105 minutes. The SDA was brought into service at 1:00 pm when the appropriate load and temperature was attained. Because these BFP Malfunctions delayed the SDA startup by 105 minutes, SO<sub>2</sub> emissions during the 105 minutes were higher than they would have been during a normal SDA start-up (despite operation of the temporary DSI system during these 105 minutes).

It should be emphasized that Unit 1's actual SO<sub>2</sub> emissions rate (versus the reported SO<sub>2</sub> emissions rate) did not exceed the Consent Decree 0.100 lb/mmBtu 30-Day Rolling Average Emission Rate limit. The reported value exceeded the limit because of data substitution required by the Acid Rain Program Part 75 regulations. Specifically, Part 75 requires that any value recorded over the Full Scale Range (FSR)<sup>3</sup> must be replaced with a value 200% of the FSR value. This substitution significantly increased

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<sup>3</sup> The assignment of a FSR to an analyzer is required in Appendix A of 40 CFR Part 75. It does not reflect the physical ability of the analyzer to measure a value above the FSR. Most modern analyzers have a large range of linear measurement abilities, which often exceeds the regulatory assignment of a FSR. For example, the

the calculated amount of SO<sub>2</sub> that was included in Unit 1's reportable 30-day SO<sub>2</sub> rolling average. If actual values are used to calculate the 30-day rolling average, then the Consent Decree SO<sub>2</sub> limit is not exceeded. See Attachment A. The table below summarizes the results of this comparison of the actual recorded data and the reported data.

Baldwin Unit 1 (as at Nov. 16, 2017)	Heat Input 30- day (mmBtu)	SO <sub>2</sub> lbs 30-day	SO <sub>2</sub> Emissions Rate 30-day Rolling Average (lb/mmBtu)
Reported data calculated with substitution per 40 CFR Part 75	3,212,856	324,490	0.101
Actual recorded CEM data (no substitution)	3,212,856	307,173	0.096

The difference between the Part 75 substituted and reported SO<sub>2</sub> lbs and the actual recorded CEM SO<sub>2</sub> lbs emitted is 17,317 lbs. These extra 17,317 lbs were not released to the environment; rather, these extra SO<sub>2</sub> lbs included in the reportable 30-day rolling average emissions rate only reflect how 40 CFR Part 75, Appendix A section 2.1.1.5(b)(1)<sup>4</sup> requires calculation of the hourly average. Because of this Part 75 requirement, the reportable SO<sub>2</sub> 30-day rolling average value for Baldwin Unit 1 was higher than the actual SO<sub>2</sub> value recorded by the CEM. Specifically, during the period when high sulfur coal was burned, 304 minutes of SO<sub>2</sub> values were replaced with 200% of the FSR. See Attachment B. The FSR of the SO<sub>2</sub> analyzer is 360 ppm. Thus, the value used in the calculations for those 304 minutes was 720 ppm. There were 10 hours during the period when high sulfur coal was burned that used the substituted value of 720 ppm in the hourly average.<sup>5</sup> See Attachment C. That substitution results in the extra 17,317 pounds of SO<sub>2</sub> included in the calculation of the 30-day rolling average.

In addition, due to the BFP malfunctions, SO<sub>2</sub> emissions during the 105 minute delay in SDA startup were higher than they would have been during a normal SDA start-up. Specifically, during the hours 11:00 am and 12:00 pm on November 16, the FSR was exceeded during 28 minutes. If the startup of the SDA had proceeded normally, the SO<sub>2</sub> emissions would have been controlled below the FSR, avoiding the required substitution of the high values. Without the required substitution, the 30-day rolling average SO<sub>2</sub> value would be below the Consent Decree limit.<sup>6</sup> The SO<sub>2</sub> 30-day rolling average with the two hours prior (i.e., 11:00 am and 12:00 pm) to the SDA startup excluded from the calculation is 0.099 lb/mmBtu. See Attachment D. Thus, but for the Malfunctions of the BFPs that occurred during startup of the SDA on November 16, Unit 1's 30-Day Rolling Average Emission Rate for SO<sub>2</sub> would not have exceeded the 0.100 lb/mmBtu limit.

(ii) Measures Taken by DMG to Prevent and Minimize the Violation

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regulation may require an FSR of 100 ppm but the analyzer is actually capable of measuring up to 3000 ppm with excellent curve correlation coefficients.

<sup>4</sup> The Clean Air Markets Division's Part 75 Emission Monitoring Policy Manual (2013) question 9.21 explains how to calculate the hourly average when the FSR is exceeded in accordance with Appendix A section 2.1.1.5.

<sup>5</sup> Hourly average is calculated from the valid one minute data using 720 ppm (twice the FSR of 360 ppm) for those minutes that exceed the FSR.

<sup>6</sup> The actual recorded data (prior to substitution) calculate a value below the 30-day rolling average limit. See Attachment A.



DMG used its best efforts to avoid the possibility of an exceedance and to minimize the exceedance. As explained above, in an effort to avoid exceeding the SO<sub>2</sub> 30-Day Rolling Average Emissions limit, DMG shut down Unit 1 on November 11, 2017. The Unit remained off-line until low sulfur PRB coal could be delivered to the station by train and loaded directly to the Unit 1 coal bunkers. Furthermore, before restarting the Unit, DMG acquired and installed a temporary DSI system and operated the DSI system during the Unit 1 restart in an effort to keep the SO<sub>2</sub> 30-Day Rolling Average Emission Rate value below the 0.100 lb/mmBtu limit. See Attachment E. The cost of installing and operating the DSI system was more than \$142,000, not including labor installation costs. In short, DMG used its best efforts to avoid the violation and to minimize the extent of the violation.

In addition, to avoid the potential for future recurrence of excess SO<sub>2</sub> emissions due to use of residual, historic high sulfur coal in the station's coal pile, DMG performed a detailed sampling survey of the coal pile base to determine the extent and location of any remaining areas of high sulfur coal. The mapping will be used to avoid those areas during future coal usage and aid in the removal of the high sulfur coal in a controlled fashion by blending low volumes with the PRB coal supply.

(iii) Rationale for Attributing the Violation to a Force Majeure Event

Failure of the railroad culvert was a sudden, infrequent and not reasonably preventable failure of equipment to operate in normal or usual manner and, together with inability to reschedule PRB rail deliveries, caused low coal inventory that was beyond the control of DMG. In addition, the failure of BFPs to start during restart of the Baldwin Unit 1 SDA on November 16, 2017 were sudden, infrequent, and not reasonably preventable failures of equipment to operate in a normal or usual manner. The Malfunctions were not caused, in whole or in part, by poor maintenance or careless operation. DMG also used its best efforts (e.g., shutting down the Unit, installing a temporary DSI system, making prompt repairs), to avoid the violation and to minimize the violation.

The events constitute Force Majeure Events caused by circumstances beyond the control of DMG. Taken together, and the Malfunctions of the BFPs during the November 16 startup of the Unit 1 SDA by itself, prevented DMG from complying with the Baldwin Unit 1 30-Day Rolling Average Emission Rate for SO<sub>2</sub> for the 30-day period ending on November 16, 2017.

\* \* \* \* \*

If you have any questions or need further data regarding this notification, please contact Rick Diericx, Managing Director, Environmental Compliance, at 618-343-7761.

This information was prepared either by me or under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my evaluation, or the direction and my inquiry of the person(s) who manage the system, or the person(s) directly responsible for gathering the information, I hereby certify under penalty of law that, to the best of my knowledge and belief, this information is true, accurate, and complete. I understand that there are significant penalties for submitting false, inaccurate, or incomplete information to the United States.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Kipp". The signature is fluid and cursive, with the first name "James" and last name "Kipp" clearly distinguishable.

James R. Kipp  
Vice President and General Manager Plant Operations MISO  
Dynegy Midwest Generation, LLC

Enclosures

cc: Executive Vice President, General Counsel & Chief Compliance Officer  
Dynegy Inc.  
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Houston, Texas 77002

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Executive Director  
Environmental Law and Policy Center of the Midwest  
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## Attachment A

Part 75					
Day	Heat Input (mmBtu)	Reported	Reported	Actual SO2 lbs	Actual SO2 30Day lb/mmBtu
		SO2 Lbs/day	SO2 30Day Lb/mmBtu		
10/12/2017	127545	9609	0.077	9609	
10/13/2017	125704	9545	0.077	9545	
10/14/2017	135973	10026	0.077	10026	
10/15/2017	123475	9583	0.077	9583	
10/16/2017	129530	9791	0.077	9791	
10/17/2017	118232	8567	0.077	8567	
10/18/2017	121255	8648	0.077	8648	
10/19/2017	131018	13937	0.078	13937	
10/20/2017	1409	461	0.078	461	
10/22/2017	2428	499	0.078	499	
10/23/2017	115232	15702	0.080	15702	
10/24/2017	122619	9508	0.080	9508	
10/25/2017	137545	10593	0.081	10593	
10/26/2017	129120	12554	0.081	12554	
10/27/2017	2730	971	0.082	971	
10/29/2017	17555	6039	0.083	6039	
10/30/2017	129708	13881	0.085	13881	
10/31/2017	125432	8696	0.084	8696	
11/1/2017	132531	8718	0.084	8718	
11/2/2017	135589	8965	0.084	8965	
11/3/2017	131389	8683	0.083	8683	
11/4/2017	133362	8282	0.083	8282	
11/5/2017	101113	6406	0.082	6406	
11/6/2017	119509	6934	0.082	6934	
11/7/2017	133893	7458	0.079	7458	
11/8/2017	132160	7040	0.078	7040	
11/9/2017	122223	6369	0.077	6369	
11/10/2017	118552	37691	0.086	30859	
11/11/2017	76226	34104	0.095	29043	
11/16/2017	79803	25234	0.101	19810	0.096
11/17/2017	137192	1159	0.098	1159	

## Attachment B

Count	Date and Time	SO2 PPM
1	Nov 10 2017 3:22PM	720
2	Nov 10 2017 3:23PM	720
3	Nov 10 2017 3:24PM	720
4	Nov 10 2017 3:25PM	720
5	Nov 10 2017 3:26PM	720
6	Nov 10 2017 3:27PM	720
7	Nov 10 2017 3:28PM	720
8	Nov 10 2017 3:29PM	720
9	Nov 10 2017 3:30PM	720
10	Nov 10 2017 3:31PM	720
11	Nov 10 2017 3:32PM	720
12	Nov 10 2017 3:33PM	720
13	Nov 10 2017 3:34PM	720
14	Nov 10 2017 3:35PM	720
15	Nov 10 2017 3:36PM	720
16	Nov 10 2017 3:37PM	720
17	Nov 10 2017 3:38PM	720
18	Nov 10 2017 3:39PM	720
19	Nov 10 2017 3:40PM	720
20	Nov 10 2017 3:41PM	720
21	Nov 10 2017 3:42PM	720
22	Nov 10 2017 3:43PM	720
23	Nov 10 2017 3:44PM	720
24	Nov 10 2017 3:45PM	720
25	Nov 10 2017 3:46PM	720
26	Nov 10 2017 3:47PM	720
27	Nov 10 2017 3:48PM	720
28	Nov 10 2017 3:49PM	720
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304	Nov 16 2017 12:57PM	720

## Attachment C

Date and Time	SO2 ppm
Nov 10 2017 3:00PM	551.6
Nov 10 2017 4:00PM	700.5
Nov 10 2017 5:00PM	353.1
Nov 11 2017 2:00PM	144.9
Nov 11 2017 3:00PM	596.5
Nov 11 2017 4:00PM	511.7
Nov 11 2017 5:00PM	720
Nov 11 2017 6:00PM	720
Nov 16 2017 11:00AM	223.1
Nov 16 2017 12:00PM	518.5



## Attachment D

	Heat Input (mmBtu)	Hourly SO2 lbs	Heat Input (mmBtu - malfunction excluded)	Hourly SO2 lbs (malfunction excluded)
Nov 16 2017 12:00AM	224	119	224	119
Nov 16 2017 1:00AM	415	123	415	123
Nov 16 2017 2:00AM	564	51	564	51
Nov 16 2017 3:00AM	719	347	719	347
Nov 16 2017 4:00AM	846	272	846	272
Nov 16 2017 5:00AM	886	226	886	226
Nov 16 2017 6:00AM	1629	667	1629	667
Nov 16 2017 7:00AM	2045	985	2045	985
Nov 16 2017 8:00AM	2203	1967	2203	1967
Nov 16 2017 9:00AM	2258	2085	2258	2085
Nov 16 2017 10:00AM	2409	1210	2409	1210
Nov 16 2017 11:00AM	3181	2306	0	0
Nov 16 2017 12:00PM	3634	5872	0	0
Nov 16 2017 1:00PM	3920	2664	3920	2664
Nov 16 2017 2:00PM	4567	2163	4567	2163
Nov 16 2017 3:00PM	5261	2309	5261	2309
Nov 16 2017 4:00PM	5377	413	5377	413
Nov 16 2017 5:00PM	5440	77	5440	77
Nov 16 2017 6:00PM	5622	122	5622	122
Nov 16 2017 7:00PM	5741	158	5741	158
Nov 16 2017 8:00PM	5724	437	5724	437
Nov 16 2017 9:00PM	5721	566	5721	566
Nov 16 2017 10:00PM	5722	52	5722	52
Nov 16 2017 11:00PM	5697	46	5697	46
Daily Sum	79,803	25,234	72,988	17,056
30-Day SO2 Lbs	324,490		316,312	
30-Day Heat Input	3,212,856		3,206,041	
30-Day Rolling Avg.	0.101		0.099	



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Phone: 651-780-8600 Fax: 651-780-4400

## ***SERVICE TRIP REPORT***

*Nol-Tec Service Technician fills out this report and submits to Customer and Executive Administrator.*

Nol-Tec Contract No. 6046 Customer PO No. \_\_\_\_\_

Customer Name: Dynegy Baldwin

Service Location: Baldwin IL

On-Site Customer Contact: Chris Moorman

Phone: 618-785-3348 Fax: \_\_\_\_\_ Email: Chris.Moorman@dynegy.com

Dates of Service: 11.15-11.17.2017

Service Technician: John Draper, Ashley Richter

### Equipment Serviced

Nol-Tec Unit 13 Test system

### Reason for Service Call

Emergency Injection of Hydrated Lime for startup of the Unit!

### Explanation of Services Performed

Emergency Injection of Hydrated Lime for startup of the Unit!

The system was tied into the ACI system and conveyed into the top of the duct. From two 4" convey lines to four 3" injection points.

Arrived on site early evening and met with the management team and operations personnel to discuss requirements and timeline.

Inspected convey line installed by the customer to ensure best routing of hoses.

Noted the convey line had 18 bends in the system which causes a higher back pressure.

Found issues with the analogue inputs for the blower pressure and line pressure, briefly troubleshoot and decided we would use truck gauges instead.

Demonstrated the operation of conveying from the truck to the current operators on shift.

Found the convey line connection had a rubber boot which came apart under pressure, site welded the two metal fittings together to remove this weak point in the system.

The equipment was run by site personnel with Guidance from Nol-Tec personnel.

We tried to maintain a convey line pressure of 8-12 PSI, with a head pressure on the tank of 2 Psi above convey line pressure.

I believe the startup time was just after midnight on the 16th and ran until midafternoon, It is assumed the truck holds 48000lbs.

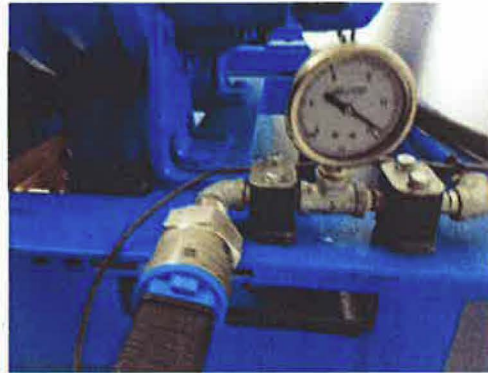
The second truck started up by 4.30ish and ran until 2.45pm Friday. Again I assume 48000lbs of product.

Average for the first truck was 3000lbs per/hr.

The second truck average was just over 2000lbs per/hr, however we found that not much was used overnight and we raised the conveying amount on Friday to probably 3500-4000lbs per hour to purge the truck.

The third truck was not used.

See attached pics.



### Current Status of Equipment

On site ready for other testing for viability study to make improvements or additions to the existing systems in place.

### Notes for Accounting